



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2900 FAX (603) 271-2456

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September 8, 2003

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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-20

Main Street Automotive
P.O. Box 362
North Conway, New Hampshire 03860

Attn John Santuccio, Owner

Re: Main Street Automotive
696 Eastman Road
North Conway, New Hampshire
EPA ID No. NHD982755407

Dear Mr. Santuccio:

On July 16, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Main Street Automotive (Main Street Auto). The purpose of the inspection was to determine Main Street Auto's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, DES confirmed that Main Street Auto had not performed a hazardous waste determination for the waste fluorescent lamps generated at the facility. DES also verified that the waste lamps were routinely disposed of at the North Conway transfer station.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Main Street Auto test a representative sample of the waste fluorescent lamps for the characteristic of toxicity as defined in Env-Wm 403.06. This analysis should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be demonstrated by Main Street Auto using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Main Street Auto may elect to manage waste lamps as “universal waste” in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7 “Universal Waste Lamps: Management Requirements for Handlers and Transporters”, as well as a DES “Fluorescent Lamp and Ballast Recycling Facility” list to aid you with the determinations.

Main Street Auto will need to provide to DES the results of the hazardous waste determination, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses; or information indicating that the lamps are being handled as a universal waste in accordance with Env-Wm 1100.

2 Env-Wm 807.06(b)(4) – Used Oil Standards – Container Labeling

At the time of the inspection, Main Street Auto was storing used oil destined for recycling, in a 5-gallon container and an underground storage tank which were not labeled with the words “Used Oil for Recycle”.

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words “Used Oil for Recycle” at all times during accumulation and storage.

DES requested that Main Street Auto label all containers and tanks of used oil destined for recycle with the words “Used Oil for Recycle” at all times during accumulation and storage.

In an August 1, 2003 submittal to DES, Mr. John Santuccio, Owner, stated that the used oil tank and the used oil container were properly labeled. No further action is required.

3 Env-Wm 807.06(b)(5) – Used Oil Standards – Closed Container

At the time of the inspection, Main Street Auto was storing used oil for recycle in an underground storage tank which was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that Main Street Auto ensure that all containers and tanks are kept closed at all times except to add or remove used oil.

4 Env-Wm 807.09(b) – Used Oil Standards - Marketing

During the inspection, DES confirmed that Main Street Auto markets used oil directly to MacDonald Motors, a notified burner of used oil.

Env-Wm 807.08 (a)(1) designates any generator who gives their used oil directly to a burner as a used oil marketer. In addition to the generator requirements of Env-Wm 807.06, marketers need to comply with the Used Oil Marketer Standards of Env-Wm 807.09 which require used oil

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marketers to notify the Waste Management Division of their used oil management activities, to test each batch of oil prior to shipment, to utilize bills of lading when shipping used oil, and to meet certain recordkeeping requirements.

DES requests that if Main Street Auto wants to continue its practice of acting as a used oil marketer that it notify the Division and comply with the Standards for Marketers set forth in Env-Wm 807.09. However, if Main Street Auto chooses instead to act only as a generator of used oil, then you need to comply only with the generator requirements of Env-Wm 807.06. Under Env-Wm 807.06, you will need to ensure that the oil is delivered to a facility authorized to accept it, and use a registered hazardous waste transporter. As a generator, you may choose to use the self-transport option as detailed in Env-Wm 807.07(a) and transport up to 110 gallons at any one time. Enclosed is a list of registered hazardous waste transporters.

At the time of the inspection it was also noted that Main Street Auto was storing used oil in an unregistered underground storage tank. By copy of this letter, this issue has been referred to DES's Oil Remediation and Compliance Bureau (ORCB). Depending on the design, operation, and maintenance of the tank it may be subject to regulatory requirements by the ORCB. DES expects Main Street Auto to pursue the issue of the underground storage tank and any registration that may be necessary by contacting Tom Beaulieu of the ORCB at 271-2858.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Main Street Auto can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Main Street Auto, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
P.O. Box 95
Concord, New Hampshire 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

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The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll-free at (866) HAZ-WAST (in-state only) or at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Tom Beaulieu, DES WMD, Oil Remediation Compliance Bureau - UST

E-mail: JJD/SD/SD/PM

Enclosure: Hazardous Waste Generator Inspection Report